

**Rhode Island Policy**  
**UNSAFE SCHOOL CHOICE OPTION**  
**Adopted 7/03**

**1.00 Introduction—Unsafe School Choice Option:** Section 9532 of the *Elementary and Secondary Education Act* (ESEA) of 1965 (as amended by the *No Child Left Behind Act of 2001*) requires each State receiving ESEA funds to allow students attending a *persistently dangerous public school*—or students who become *victims of a violent criminal offense* while on the grounds of their public school—to attend a safe public school. ESEA therefore requires each state to adopt a definition of *persistently dangerous public school* and *violent criminal offense*.

**2.00 Definition—** *violent criminal offense* shall mean homicide, rape, robbery, or aggravated assault. The violent criminal offense must be documented by the filing of a criminal complaint by the Rhode Island Attorney General.

**3.00 Definition—** *persistently dangerous public school:* A Rhode Island public elementary or secondary school is considered to be persistently dangerous if:

(1) In each of three consecutive years, the school has had:

- A federal or state gun-free schools violation that has resulted in a long-term suspension or;
- A violent criminal offense, as defined above, has been committed on school property.

AND

(2) In each of three consecutive years, the school has imposed long term suspensions for drug, alcohol, weapons or violence that exceed one of the following rates:

- More than five long term suspensions for a school of less than 250 students,
- More than 10 long term suspensions for a school of more than 250 students but less than 1000 students, or
- More than 15 long term suspensions for a school of more than 1,000 students.

For purposes of this definition a long-term suspension is deemed to mean

a suspension lasting for 45 or more school days.

**3.00 Providing a Safe Public School Choice Option:** A local education agency (LEA) which operates a school identified as a *persistently dangerous school* must, in a timely manner:

- Notify parents of each student attending the school that the state has identified the school as persistently dangerous;
- Offer all students the opportunity to transfer to a safe public school within the LEA. Parental notification regarding the status of the school and the offer to transfer students may be made simultaneously. If there is not another school in the LEA, the LEA is encouraged, but not required, to explore other options such as an agreement with a neighboring LEA to accept transfer students;
- LEAs should allow students to transfer to a school that is making adequate yearly progress and that has not been identified as being in need of school improvement, corrective action, or restructuring.
- Transfers may be temporary or permanent, but must be in effect as long as the original school is identified as persistently dangerous.
- For those students who accept the offer, complete the transfer. In addition, the LEA must also:
- Develop a corrective action plan; and
- Implement the plan in a timely manner. LEAs must submit a corrective action plan to RIDE for approval.
- RIDE will provide technical assistance and monitor the LEA's actions throughout the process.
- Upon successful completion of the planned corrective action, the LEA must apply to RIDE to have the school removed from the list of persistently dangerous schools.
- RIDE will use the criteria contained in the definition of persistently dangerous schools to determine whether the school should be removed from the list.

**4.00 Timely Implementation:** Depending on circumstances, notification to parents should be given within ten school days from the date the LEA is notified by RIDE that the school has been identified as persistently

dangerous. Development of a corrective action plan and the offer to students to transfer generally should occur within twenty days from the time that the LEA is notified by RIDE that the school has been identified as persistently dangerous. Transfers of students generally should occur within 30 school days.

**5.00.Early Intervention and Remediation:** As part of the school improvement process required of all Rhode island Schools under RIGL 16-7.1-2 (e) school administrators and staff shall analyze data and develop improvement plans in order to achieve and maintain an orderly school environment. If a school, during any single school year, experiences conditions which place it in a category that might lead to its identification as a *persistently dangerous school*, (using the criteria in section 2.00 (1)&(2) ) that school shall be designated as being a school *in need of enhanced security*. The school committee, in consultation with RIDE and the local chief of police, shall design a plan to enhance security at any such school.

If a school, for two consecutive years, experiences conditions (using the criteria in section 2.00 (1)&(2) ) which place it in a category that might lead to its identification as a persistently dangerous school, that school shall be designated as being a school in *security remediation status*. The school committee and the local chief of police shall continue to improve security at the school concerned. The commissioner of education, under R.I.G.L. 16-5-30, is authorized to withhold state aid from the LEA operating the school and expend any sums withheld to improve security at that school.

**6.00 Responsibility Identification of Persistently Dangerous Schools:** RIDE is responsible for identification of persistently dangerous schools. It will annually reassess a school determined to be persistently dangerous, using criteria contained in the definition. The persistently dangerous designation will be removed at the time that the school no longer meets the definition.

**7.00 Students who have been Victims of a Violent Criminal Offense:** LEAs must provide safe school options to a student who has been a victim of a violent criminal offense while in or on the grounds of a public school that the student attends.

- The LEA should, within ten days, offer an opportunity to transfer to a safe public school within the LEA.

- When another school is not available within the LEA, it is encouraged, but not required, that the LEA seek other appropriate options such as an agreement with a neighboring LEA to accept the student. The federal statute does not authorize resources specifically to help cover costs such as transportation to assist the transferring student. Under certain circumstances, other federal funds may be used, such as Title IV Part A or Title V Part A. Contact RIDE for further guidance on this option.